

Notice of Allowability

Application No.

10/022,096

Examiner

Barbara Summons

Applicant(s)

TANAKA ET AL.

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response received 9/18/03.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 13 December 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____ |
| 5 <input type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. _____ | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

The Examiner agrees with Applicants' arguments that the prior art of record does not disclose or fairly suggest a surface acoustic wave (SAW) filter comprising each of the specifically recited features and especially wherein "a cutoff frequency on a high-frequency side of a pass band of said longitudinally-coupled double-mode resonator filter and an antiresonant frequency of said resonator are substantially equal" (claim 1, the last three lines thereof). The art applied by the Examiner shows a resonator with an antiresonant frequency slightly higher than the pass band of the filter, which would place it higher than the "cutoff frequency on a high-frequency side" (emphasis added) of the pass band of the filter. In fact, the prior art appears to teach away from having the antiresonant frequency of the resonator be brought too close to the cutoff frequency on a high-frequency side of the filter (see e.g. the last four lines of section [0009] of the machine translation of JP 10-065481 provided with Applicants' arguments).

The Examiner also agrees with Applicants' arguments that the prior art of record does not disclose or fairly suggest a SAW filter having each of the specifically recited features and also wherein "a pitch of electrode fingers in the inter-digital transducers of the resonator is larger than a pitch of electrode fingers in the inter-digital transducers of the longitudinally-coupled double-mode resonator filter" (see claim 7, the last three lines thereof). The Examiner noted that the pitch of the electrode fingers (i.e. measured from edge-to-edge or center-to-center of adjacent electrode fingers) of the resonator would be increased by withdrawal weighting of the resonator transducer as shown in Fig. 13C.


However, this would only increase the electrode pitch in the resonator from what it previously was in the same resonator, and not necessarily provide a larger pitch than the transducers in the longitudinally-coupled double-mode resonator filter. The Applicants correctly point out that the relative pitches between the resonator and the filter are not addressed in the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara Summons whose telephone number is (703) 308-4947. The examiner can normally be reached on M-Th, M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pascal can be reached on (703) 308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script that reads "Barbara Summons". The signature is written in black ink and includes a long horizontal flourish at the end.

bs
October 14, 2003

BARBARA SUMMONS
PRIMARY EXAMINER